

AFTER ACTION REPORT

REGULAR CITY COMMISSION MEETING MONDAY, JUNE 21, 2010 6:30 P.M.

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**

AGENDA

1. CALL TO ORDER - 6:30 p.m.
2. ROLL CALL - CITY CLERK
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:

Regular City Commission Meeting – June 7, 2010.

Commission voted unanimously to adopt the minutes of the
Regular City Commission Meeting of June 7, 2010 as presented.

B. Additions or Deletions to Agenda.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation of Certificates – Trinity Christian Academy
Baseball Eagles for winning their 2nd in a row Class 1A State
Championship.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.
(4 minute maximum length)

CONSENT All items marked with an * will be considered by one motion unless removed
AGENDA: from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

7. CONSENT AGENDA:

After discussion, the Commission voted unanimously to approve Consent Agenda Items 7-B and 7-C omitting Item 7-A from the motion and have the item brought back to the Commission with a complete scope of service.

A. Request for Approval of Award of Bid #10015 Construction Administration Services.

The City Commission previously approved award to three (3) General Contractors to perform work for the Neighborhood Stabilization (NSP) and the Housing Rehabilitation Programs. In order to expedite these projects, there is a need for Construction Administration Services.

Purchasing solicited bids from General Contractors or Residential Contractors, with preference given for LEED AP Certification, to provide Construction Administration services for the Neighborhood Stabilization Program (NSP) and the Housing Rehabilitation Programs within the Community Development Division. The work consists of the following:

- conduct and document pre-construction meetings with the contractor and homeowner;*
- reviewing inspection reports to assist in defining the scope of work for each home being rehabilitated;*
- ensure the work being completed by the contractors is evenly distributed and ensure that deadlines are met;*
- ensure that bids for work are in compliance with pre-established pricing;*
- respond to the contractor's requests for information (RFI) and issue necessary clarifications and interpretations;*
- review documentation and process the contractor's monthly requests for payment including obtaining their certified payroll and ensuring that it is in compliance with the Davis Bacon Act;*
- assist the owner in managing disputes with and claims from the contractor during construction;*

- *make weekly visits to the construction site to hold progress meetings, to observe the work in progress, to evaluate conformance with the plans and specifications, and to observe field testing by the resident monitor;*
- *generate bi-weekly progress reports;*
- *review requests for change orders, evaluate cost and schedule impacts, negotiate with the contractor, as necessary, and prepare required change order documentation for Owner approval;*
- *confirm that required notifications of construction progress have been sent to the Planning and Development Department;*
- *provide additional services related to Construction Administration as may be required.*

Six bids were received. Overall, the lowest qualified bidder was Ruby Builders, Inc.

After discussion, the Commission voted unanimously to omit Item 7-A from the motion and have the item brought back to the Commission with a complete scope of service.

*** B. Request for Approval of Award of Bid #10017, Real Estate Broker Services/Seller's Agent for Neighborhood Stabilization Program (NSP).**

Last year the City placed several RFP's for services related to the Neighborhood Stabilization Program (NSP). Agreements were awarded to several companies for Real Estate Services as the Buyer's Agent, Inspection Services, General Contractors, Legal Services, Property Managers, and Housing Counselors. Now that the City has acquired and rehabilitated several properties under the NSP, the need has arisen for Real Estate Brokers to act on behalf of the City as the Seller's Agent. Services will include listing properties on the MLS, represent the City in real estate transactions, work with outside agents to bring buyers to NSP properties, interaction and coordination required to facilitate an efficient closing on behalf of the City, and other customary activities and services associated with real estate transactions.

Purchasing put out a bid for these services and two companies responded to the bid. They were The Property Source, LLC, and Remax Associates, Inc. A Commission of 6% will be charged to the City for each home sold.

Approved by Consent Agenda – to approve the award of Bid No. 10017 to both The Property Source and Remax Associates, Inc. for real estate brokers/sellers agent services related to the City's NSP Program, and to authorize the City Manager to enter into agreements for said services.

*** C. Resolution No. 2010-12, Pertaining to the Votran Public Transportation System and expressing the City's opposition to the elimination of Votran Route 200.**

At the end of the Commission meeting on June 7, 2010, Commissioner Deyette commented upon the proposed elimination of Votran's Route 200 which provides transportation to Orlando. Thereafter, the Vice-Mayor sent a note recalling that the Commission had opposed such an elimination in the past. In order to have Commission sentiment on this issue in a formal format prior to the Deltona public hearing on this matter on June 24th, it was requested that I draft a resolution expressing the City's opposition to the elimination of Route 200.

Approved by Consent Agenda – to approve Resolution No. 2010-12.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 06-2010, Amending Section 70-26 of the City of Deltona Code of Ordinances to amend the definition of a Public Market, for second and final reading.

During the most recent Commission meeting, the Commission requested the definition of public market be further revised to restrict the property available for public markets to City owned or leased property and to control the type of goods to be sold. In furtherance of that discussion, a revised definition of public market has been created which eliminates the term used from the list of potential properties. A further revision allows the City to determine types of crops, horticultural items, art and craft items to be sold.

After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve Ordinance No. 06-2010 at second and final reading.

B. Public Hearing - Ordinance No. 07-2010, Amending various sections of the Land Development Code to allow Public Markets as conditional uses in the various zoning districts of the City, for second and final reading.

During the review of the proposal to move the public market, it was discovered that a public market could not be placed upon the church property absent a conditional use permit or an amendment to the land development code to allow public markets in the R-1 district.

A proposed ordinance was presented to the City's Planning & Zoning Board on May 26th. The five (5) members present at the Planning & Zoning Board meeting voted unanimously to recommend approval of the ordinance with conditions to allow the public market use in all zoning districts of the City as a conditional use.

The City Commission approved on first reading of the ordinance addressing the conditions recommended by the Planning & Zoning Board.

After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt Ordinance No. 07-2010 at second and final reading.

9. OLD BUSINESS:

- A. Consideration of appointment of one (1) member to the Economic Development Advisory Board (Vice Mayor McFall-Conte's appointment) (Tabled May 17, 2010).**

The appointment Susie M. Eutsey expired on May 21, 2010 and she had indicated via email that she does not wish to be re-appointed to the City's Economic Development Advisory Board.

The City has run a press release and posted the opening on the City's WebPage, D-TV and City bulletin board. To date, the City has received applications from the following interested individuals: Thomas Domingue and Harry Wilkins.

After discussion, the Commission voted unanimously to confirm the appointment of Justin Augustin (Vice Mayor McFall-Conte's appointment) to the Economic Development Advisory Board for a term to expire May 21, 2013.

10. NEW BUSINESS:

- A. Consideration of appointment of a City representative to the Volusia County Growth Management Commission (VGMC).**

The appointment of Sandy Lou Gallagher as the City's representative to the Volusia Growth Management Commission (VGMC) expires on June 30, 2010 and she has indicated via emails that she would like to be re-appointed as the City's representative.

The City has run a press release and posted the opening on the City's WebPage, D-TV and City bulletin board. To date, the City has only received an application from Sandy Lou Gallagher.

After discussion, the Commission voted 5 to 2 (Commissioner Carmolingo and Commissioner Zischkau voted against the motion) to re-appoint Sandy Lou Gallagher as the City's representative to the Volusia Growth Management Commission (VGMC) for a three (3) year term beginning July 1, 2010.

B. Request for Approval of Final Site Plan (FSP10-003) for a ±19.0 acre site constituting of Phase I of the Deltona Village project.

The approved Business Planned Unit Development (BPUD) includes three (3) phases; Phase I (±19.0 acres), Phase II (±5.10 acres), and Phase III (±106.10 acres) of the overall site.

This Final Site Plan (Plan) approval request applies only to Phase I and is proposed to be developed with four (4) non-residential lots. Three (3) of the lots within Phase I as depicted on the Plan are outparcels and the remaining lot is proposed for a theater use. The list of allowed uses for Phase I includes, but is not limited to, restaurants, various retail uses, and a theater.

The proposed theater has a capacity of 2,434 seats within a ±51,000 SF building. The exterior design of the structure conforms to the City's Urban Design Pattern Book. This plan also integrates multi-modal access that is safe and efficient and accommodates automobile, mass transit, bicycle and pedestrian mobility. This application incorporates a parking plan that exceeds City's parking space requirements and satisfies the provisions to accommodate handicap parking spaces. Access for service vehicles, including four loading docks, are provided at the rear of the building. Stormwater management systems are planned to meet City requirements, including a detention pond located at the southeast corner of the property.

On June 10, 2010, the Development Review Committee (DRC) approved, with conditions, the Final Site Plan for Phase I and the Preliminary Plat for the Deltona Village project. In accordance with Section 110-1202.05 of the Land Development Code (Code), the Final Site Plan will be reviewed by the Planning and Zoning Board prior to transmittal to the City Commission. This hearing is scheduled for June 16, 2010. The Code also provides that subdivisions of land with 25 or fewer lots are not reviewed by the Planning and Zoning Board or City Commission; thus the Preliminary Plat for the project (PP10-001) is not included. The Final Plat(s) for Deltona Village will be presented to the City Commission for review and final action at a later date.

After discussion, the Commission voted unanimously to approve the Final Site Plan (FSP10-003) for Phase I of the Deltona Village project.

C. Discussion re: Proposed Ordinance regarding political activity (requested by Commissioner Zischkau).

Commissioner Zischkau at the June 7th Regular City Commission Meeting asked that the proposed Ordinance as prepared by Lonnie Groot be added to the June 21st Commission meeting agenda.

After discussion, the Commission concurred to authorize the City Attorney to provide some definitions of "political activity" and to add the same clause

in the City Manager's contract that is in the City Attorney's agreement, if agreed to by both parties.

11. CITY COMMISSION COMMENTS:

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.